

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 16-1925-DMG (FFMx)**

Date **October 12, 2018**

Title ***Atencio, et al. v. TuneCore, Inc.***

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Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

**Proceedings: IN CHAMBERS - ORDER TO SHOW CAUSE WHY THE COURT
SHOULD NOT STRIKE SEVEN OF DEFENDANT'S MOTIONS IN
LIMINE [102-12]**

The Court continued the original deadline to file motions in *limine* (“MILs”) to October 11, 2018. [Doc. # 89.] On that date, Plaintiffs filed one MIL [Doc. # 99] and Defendants filed 11 [Doc. ## 102-12]. The Court’s Scheduling and Case Management Order (“CMO”) clearly states, however, that without first obtaining leave of Court, each party, or group of affiliated parties, may file no more than four motions *in limine*, not including motions made under Federal Rule of Civil Procedure 37(c)(1) or Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579, 597 (1993). [Doc. # 70 at 7-8.]

Defendant has not sought leave to exceed the Court’s limitations and none of Defendant’s MILs appear to be *Daubert* or Rule 37(c)(1) motions. *See* CMO at 8 (MILs made under *Daubert* or Rule 37(c)(1) “shall prominently state the basis for the motion in the title of the motion on the caption page”). Accordingly, Defendant has filed seven motions too many. Defendant is hereby **ORDERED TO SHOW CAUSE** within two court days why the Court should not strike seven of its motions. Alternatively, Defendant can within two court days inform the Court which of its seven motions it wishes to withdraw. If Defendant fails to take either action, the Court will exercise its discretion *sua sponte* to strike any seven motions it deems appropriate. The parties should be mindful that the purpose of motions *in limine* is to bring to the Court’s attention complex or unusual evidentiary matters. The failure to bring a motion in *limine* does not limit a party’s ability to interpose appropriate objections during the course of the trial.

IT IS SO ORDERED.